Please amend claim 4 as follows:

4. (3X Amended) An antibody that competitively inhibits the binding of the B505 antibody, ATCC Designation No. HB-12000, to hLHβ core fragment.

REMARKS

Claims 1 and 4 are pending. Claim 1 has been canceled without prejudice. Claim 4 has been amended to more particularly claim what applicants regard as the invention. Support for this amendment can be found in the specification at, inter alia, page 10, lines 15-17. Applicants submit that these amendments raise no issue of new matter. Thus, claim 4 is now pending and under examination.

Pursuant to the requirements of 37 C.F.R. §1.121, applicants annex hereto as **Exhibit A** a copy of the amended claim marked up to show the changes made herein relative to the previous version thereof.

In view of the arguments set forth below, applicants maintain that the Examiner's rejections made in the July 25, 2002 Office Action have been overcome, and respectfully request that the Examiner reconsider and withdraw same.

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 1 and 4 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

In particular, the Examiner alleged that the specification lacks written support for the phrase "which antibody binds to the same epitope on human luteinizing hormone beta core fragment as an antibody produced by hybridoma cell line designated B505 (ATCC Accession No. HB-12000)."

In response to the rejection of claim 1, and without conceding the correctness of the rejection, applicants point out that this claim has been canceled, rendering the rejection thereof moot.

In response to the rejection of claim 4, applicants respectfully traverse.

Claim 4 is directed to an antibody which competitively inhibits the binding of the B505 antibody, ATCC Designation No. HB-12000, to the hLHβ core fragment.

Applicants point out that claim 4 does not recite the language of claim 1 that was objected to by the Examiner. Instead, claim 4 is directed to an antibody which competitively inhibits the binding of B505 to hLHβ core fragment. Applicants maintain that the specification provides support for competitive binding assays using radiolabeled hLHβ core fragment (see for example, page 17, line 18 through page 19, line 25).

In view of the teachings of the instant specification, applicants maintain that claim 4 satisfies the written description requirement of 35 U.S.C. §112, first paragraph.

Finally, the Examiner asserts that in claim 4, the word "competitively" is misspelled. However, applicants note that this term is in fact correctly spelled in the claim.

Summary

In view of the remarks made herein, applicants maintain that the claim pending in this application is in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231

10/25/02

Alan J. Morrison Date
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Marked-up version of amended claim

--4. (3X Amended) An ~~anti-hLHβcf~~ antibody ~~which~~ that competitively inhibits the binding of the B505 antibody, ATCC Designation No. HB-12000, to hLHβ ~~of claim 1 to human luteinizing hormone beta~~ core fragment.--